



Dkt. 0575/54205-B/JPW/AJM/MML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John O'Connor and Steven Birken

Serial No. : 09/311,428

Examiner: Lisa V. Cook

Filed : May 13, 1999
(CPA filed herewith)

Group Art Unit: 1641

For : METHODS FOR PREDICTING PREGNANCY OUTCOME IN A
SUBJECT BY hCG ASSAY

1185 Avenue of the Americas
New York, NY 10036
August 12, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: CPA

Sir:

**PRELIMINARY AMENDMENT
AND PETITION FOR A TWO-MONTH EXTENTION OF TIME**

This Preliminary Amendment is submitted in order to address the Examiner's remarks made in the May 2, 2002 Advisory Action and in order to address the Examiner's rejections made in the October 10, 2001 Final Office Action issued in connection with the above-identified application. The May 2, 2002 Advisory Action states that applicants' proposed Amendment filed on April 10, 2002 was not entered. Applicants are filing Continuation Prosecution Application ("CPA") papers herewith. The new claims presented in this Preliminary Amendment are the same as those presented in applicants' Amendment filed on April 10, 2002, except that new claims 81-84 presented herein contain certain changes added in order to address the Examiner's remarks made in the May 2, 2002 Advisory Action.

Applicants note that on April 10, 2002, a petition for a three-month extension of time and a Notice of Appeal were also filed. The Notice of Appeal was received by the Patent and Trademark Office on August 16, 2002.

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